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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SAN FRANCISCO BAYKEEPER, a California  
non-profit corporation,

Plaintiff,

v.

CITY OF SUNNYVALE,

Defendant.

Case No: C 13-02425 HRL

**STIPULATION TO RETAIN  
JURISDICTION AND REQUEST FOR  
DISMISSAL; ~~PROPOSED~~ ORDER**

**Fed. R. Civ. P. 41(a)(2)**

The following Stipulation to Retain Jurisdiction and Request for Dismissal is entered into by and between Plaintiff San Francisco Baykeeper ("Plaintiff" or "Baykeeper"), and Defendant City of Sunnyvale ("Defendant" or "City"). These entities are each referred to herein as "Settling Party" and collectively as "Settling Parties."

**WHEREAS**, a copy of the Settlement Agreement between the Settling Parties is incorporated herein and attached as Exhibit A to this Stipulation;

**WHEREAS**, Baykeeper, in accordance with paragraph thirty-two (32) of the Settling Parties' Agreement, filed a Notice of Settlement (Dkt. No. 15) with the Court on October 24, 2013 and

transmitted a copy of the Stipulation and Settlement Agreement to the U.S. Department of Justice (“DOJ”) and the U.S. Environmental Protection Agency for the 45-day review period on October 15, 2013;

**WHEREAS**, the 45-day review period commenced on October 22, 2013 and terminated on December 6, 2013, which represents the Effective Date of the Settlement Agreement;

**WHEREAS**, DOJ approved the Settlement Agreement and submitted its approval letter (Dkt. No. 18) to the Court on November 27, 2013.

**NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE SETTling PARTIES:**

1. As set forth in Paragraphs 39-40 of the Settlement Agreement, the Settling Parties respectfully request that the Court retain jurisdiction over Civil Case No. C 13-02425 HRL for the purpose of resolving any disputes between the Parties with respect to enforcement of the terms of the Settlement Agreement.

2. Plaintiff Baykeeper also requests that its complaint filed on May 29, 2013 with the United States District Court for the Northern District of California, San Jose Division, Civil Case No.: C 13-02425 HRL, against Sunnyvale be dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

3. A [Proposed] Order effectuating these requests is attached below.

Respectfully submitted,

Dated: December 18, 2013

By: /s/ Sejal Choksi-Chugh  
Sejal Choksi-Chugh, Attorney for Plaintiff  
SAN FRANCISCO BAYKEEPER

DOWNEY BRAND, LLP

Dated: December 18, 2013

By: /s/ Melissa Thorme  
Melissa Thorme, Attorneys for Defendant  
CITY OF SUNNYVALE

[Electronically signed with permission from  
M. Thorme via an e-mail dated 12/18/13.]

**~~PROPOSED~~ ORDER**

Based on the above stipulation of the Settling Parties,

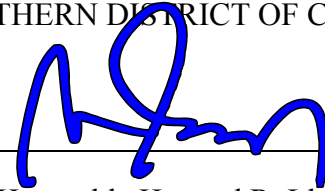
IT IS HEREBY ORDERED that the Court shall retain jurisdiction over Civil Case No. C 13-02425 HRL for the sole purpose of enforcing compliance by the Settling Parties with the terms of the Settlement Agreement attached as Exhibit A to the Parties' Stipulation.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant City of Sunnyvale as set forth in Civil Case No. C 13-02425 HRL are dismissed with prejudice pursuant to FRCP 41(a)(2).

IT IS SO ORDERED.

Date: 1/3/14

NORTHERN DISTRICT OF CALIFORNIA



Honorable Howard R. Lloyd  
United States District Court  
Northern District of California,  
San Jose Division